

# EXHIBIT D

MC GINNIS & ASSOCIATES, INC.  
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1 IN THE UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION  
4 - - -

5 Carl G. Simpson and Bonnie )  
6 Reed Simpson, )  
7 Co-Administrators of the )  
Estate of Carl D. Simpson, )  
8 Plaintiffs, )  
9 vs. ) Case No. C-1-00 0014  
10 Internet Corporation, et al., ) Judge J. Dlott  
11 Defendants. )  
12 - - -

13 Deposition of Gary P. Maul, Ph.D., a witness herein,  
14 called by the Defendant Georg Fischer DISA, Inc. fka Sutter  
15 Products Company for examination under the applicable rules of  
16 Federal Civil Court Procedure, taken before me, Linda D. Riffle,  
17 Registered Diplomate Reporter, Certified Realtime Reporter and  
18 Notary Public in and for the State of Ohio, pursuant to notice  
19 and stipulations of counsel hereinafter set forth, at the  
20 offices of the deponent, The Ohio State University, 210 Baker  
21 Systems Building, 1971 Neil Avenue, Columbus, Ohio, on Monday,  
22 November 5, 2001, beginning at 12:45 o'clock p.m. and concluding  
23 on the same day.  
24 - - -  
25

COPY TRANSCRIPT

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1 machine out of the line of sight of the -- of the operator  
2 and -- and the helper, I mean, and you've got -- you've created  
3 a situation there where no guard could -- I mean, if you -- if  
4 you fire something up and somebody's in the machine, a guard  
5 isn't going to take care of that situation.

6 Q. That's right. Your report says that an energy stop  
7 button should have been near the helper; that is, near  
8 Mr. Simpson's position?

9 A. That's correct.

10 Q. Where would that stop button have been, in your  
11 opinion, best placed?

12 A. Well, I think there should have been a stop button  
13 certainly in the helper's station, along with a large emergency  
14 stop located on a panel that would have been easy to get to and  
15 hit in the case of an accident or an emergency, to at least get  
16 the electrical power off and do something in terms of releasing  
17 the hydraulic pressure. I mean, there's all kinds of ways of  
18 doing that.

19 Q. If Mr. Simpson had both arms inside the machine, he  
20 could not have reached any stop button that might have been  
21 placed outside, could he?

22 A. Well, it's -- I think it's foreseeable that if he --  
23 the machine started to move and he had one hand free and he  
24 could get it loose, even.

25 The point is, there were absolutely no methods of --

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1 of emergency stop. I mean, there's no way you were going to  
2 stop this machine except from the master stop on the control  
3 panel, and I'm not certain that would have shut everything off,  
4 and it certainly wouldn't have placed it in a zero energy state.

5 Q. But an emergency stop button wouldn't have helped  
6 Mr. Simpson if he had both arms inside the machine --

7 A. I can't say that.

8 Q. -- and came down --

9 A. I can't say that because, as you indicated, I don't  
10 have enough facts about the injury, so I can't say that.

11 Q. If Mr. Simpson had both hands, his body and both arms  
12 inside the machine when it actuated, then he could not have  
13 reached the stop button, could he?

14 A. I'd have to say probably no.

15 Q. Let's talk about die blocks for a moment. Are there  
16 any kind of principles expressed in any of your textbooks or  
17 anything about how to design a die block?

18 A. No. There's a lot of common knowledge about die  
19 blocks. I'd have to go back through and -- Let's see, yeah,  
20 there is, in fact, in the "Machine Guarding Handbook" there's  
21 information about the use of die blocks. And I believe in the  
22 other one, which I don't know where it went to now -- oh, I  
23 believe there's something in that one about die blocks.

24 Q. The books that everybody else are reading.

25 Okay. Thanks.

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1 machine able to operate in a manner that produces the product as  
2 required?

3 A. You could still operate the machine.

4 Q. But --

5 A. You may not produce a good part.

6 Q. Exactly. So the sticker is something that has to be  
7 cured or rectified in order to produce a good part, correct?

8 A. That's correct.

9 Q. And it sounds as though in order to cure or rectify  
10 that situation, it requires a situation where the employees  
11 must, on occasions, go beyond guards if there were any guards  
12 and place themselves in a possible pinch point, correct?

13 A. That could very well be, yes.

14 Q. And, in fact, when I was reading your books, there  
15 seems to be a differentiation between guarding and lockout  
16 procedures.

17 A. Correct.

18 Q. And lockout procedures are -- seem to be something  
19 that needs to be done in situations when you need to bypass the  
20 guard in order to access certain aspects of the machinery for  
21 some sort of maintenance, whether it be in the production phase  
22 or maintenance to the machine such as lubricating a bearing.

23 A. Yes. My -- My general sense of lockout is that  
24 that's -- in all the situations I have been involved, it's  
25 pretty much relegated to the maintenance-type employee and not

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1 the production operator. The guarding, the die blocks, little  
2 things you do with e-stops are things that you give to the  
3 production operator to keep them safe while they have to make  
4 some minor adjustment.

5 Q. The whole idea of guarding, though, is to keep the  
6 person outside of the pinch point process?

7 A. While the machine is operating, yes.

8 Q. Exactly. And then there are situations when you have  
9 to put yourself inside the pinch point and go inside the guard  
10 to access something that cannot otherwise be accessed outside of  
11 where the guard is placed?

12 A. Correct.

13 Q. And for that reason is why you have a lockout; isn't  
14 that correct?

15 A. Well, you have lockout when you're going to tear into  
16 the machine to -- to do some major servicing.

17 Q. Well, if you're going to put yourself inside of a  
18 pinch point purposefully for purposes of necessity, however you  
19 want to characterize it, you need a lockout/tagout system, don't  
20 you?

21 A. You could. But --

22 Q. The guards have -- The guard's no longer going to  
23 protect you, is it?

24 A. The guard will no longer protect me, but at that point  
25 I could do something like cut the electrical energy, bleed off

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1 the hydraulics very quickly with something like a dump valve and  
2 stick a die block in there.

3 Q. And when he was going in there, and let's assume going  
4 in there to do something about a sticker, he was necessarily  
5 placing himself inside of the pinch point, wasn't he?

6 A. Yes, he was.

7 Q. And whether there be a safety gate or a light or  
8 something else, it would have been inside of the guarding area,  
9 wouldn't it?

10 A. Yes.

11 MR. MUNSELL: That's all the questions I have.

12 THE WITNESS: Okay.

13 MR. BARTY: Nothing further.

14

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15

FURTHER EXAMINATION

16 BY MR. LAMBERT:

17 Q. I have a question for my knowledge as much as anything  
18 to follow up on that.

19 If you have a machine that is locked -- that has a  
20 gate light or guarding on it that is locked out for the purpose  
21 of the employee entering the machine for whatever reason, if  
22 that -- if the other employee attempts to energize the machine  
23 from the lockout position while the gate light or guarding is  
24 infiltrated or crossed by the employee, does that prohibit the  
25 re-energizing or the turning on the machine, in effect?